

#3

FILED VIA FACSIMILE

PATENT APPLICATION

Docket: 14531.79

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
	Steven M. Horowitz, et al.)
Serial No.:	09/779,869)
Filed:	February 8, 2001)
Confirmation No.:	n/a)
For:	BACKGROUND ENABLED RECORDING IN A SET TOP BOX)
Examiner:	unassigned)

RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION

Office of Initial Patent Examination
Assistant Commissioner for Patents
Washington, D. C. 20231

ATTN: Janice Tippet

Attached at Exhibit A is a copy of the Notice to File Missing Parts which was mailed March 15, 2001. The Notice to File Missing Parts asserts that the duly dated and signed Declaration, Power of Attorney and Petition of the Inventors was missing. The Office of Initial Patent Examination was contacted by telephone early in May of this year and was advised that the application as filed included the duly signed and dated Declaration by all inventors. Applicants' representative was notified at that time that the Office of Initial Patent Examination would obtain the file and would verify whether the Notice to File Missing Parts was sent out erroneously.

In a follow up telephone conference on June 22, 2001, Applicants' representative was advised by Ms. Janice Tippet of the Office of Initial Patent Examination that the U.S.


Patent and Trademark Office file does not contain a copy of the Declaration. Ms. Tippet requested that we send a copy of the Declaration which was filed, and a copy of our return postcard showing that the Patent and Trademark office had acknowledged receipt of the Declaration as of the date of filing, February 8, 2001.

Accordingly, attached at Exhibit B is a copy of the Declaration duly dated, signed and submitted with the other application filing documents. A copy of our return postcard is attached hereto at Exhibit C, which specifically references "Declaration, Power of Attorney and Petition (2 pages)". As shown on the return postcard, all documents referenced were stamped by the Patent and Trademark Office as received on the filing date of February 8, 2001.

In light of the above, Applicants respectfully submit that all filing documentation was appropriately filed and therefore request that the requirements for responding to the Notice to File Missing Parts be withdrawn. However, in the event there is any need for payment of any fees either in connection with any filing fees, any Petition for Extension Fees, or any other fees relating to the Notice to File Missing Parts, the Commissioner is hereby authorized to charge Deposit Account No. 23-3178 for any such required fees.

Dated this 29 day of JUNE, 2001.

Respectfully submitted,


RICK D. NYDEGGER
Attorney for Applicant
Registration No. 28,651

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
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Telephone: (801) 533-9800
Facsimile: (801) 328-1707

RDN:dmh

Enclosures

G:\DATA\WPDOCS\RM\WEBTV\OTHER\DOC\010622 Response 79.doc

EXHIBIT "A"



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20590
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/779,869	02/08/2001	Steven M. Horowitz	14531.79

CONFIRMATION NO. 6689

FORMALITIES LETTER



OC000000005866412

RICK D. NYDEGGER
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Date Mailed: 03/15/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

SOCKETED 3-22-01
ON 5-15-01
IN THE 5-15-01

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

H-T
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

EXHIBIT "B"

EXHIBIT "C"

TO THE UNITED STATES PATENT AND
TRADEMARK OFFICE. PLEASE STAMP AND
RETURN. THANK YOU.

SUBMITTED: New Utility Patent Application (24 pages);
Formal Drawings (4 sheets); Transmittal Letter (5 pages) (in
duplicate); Assignment with Cover Sheet Form PTO-1595
(3 pages); Declaration, Power of Attorney, and Petition (2
pages); Form PTO-2038 submitting payment in the amount
of \$768.00; Certificate of Express Mailing Label No.
EL 565 973 534 US

Applicant: Steven M. Horowitz et al.
Title: BACKGROUND ENABLED RECORDING
IN A SET TOP BOX

Docket No.: 14531.79
Mailed: February 8, 2001

J1046 U.S. PTO

09/779869



02/08/01

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WORKMAN, NYDEGGER & SEELEY
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
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TELECOPIER COVER SHEET

JUNE 25, 2001

Total Number of Pages
(including cover letter):

14

Please deliver the transmitted facsimile pages to:

JANICE TIPPET
Office of Initial Patent Examination

Business Phone (703) 305-9822

Telecopier Phone: (703) 308-0910

From: RICK D. NYDEGGER

Comments: Please see attached.

Docket No.: 14531.79

We are transmitting from a Sharp FO-750 or Sharp FO-6100 facsimile machine. If you do not receive all the pages or they are unreadable, please contact me as soon as possible at (801) 533-9800.

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CONFIRMATION COPY WITH ENCLOSURES SENT BY:
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YES x NO

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PATENT APPLICATION

Docket: 14531.79

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

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Serial No.: 09/779,869

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Examiner: unassigned

CERTIFICATE OF FACSIMILE TRANSMISSION

ATTN: Janice Tippet
Office of Initial Patent Examination
Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

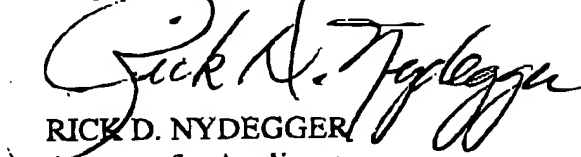
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark

Office on the date shown below.

- Transmittal Letter (2 pages)
- Response to Notice to File Missing Parts of Application (2 pages);
- Exhibit A – Copy of Notice to File Missing Parts (1 page);
- Exhibit B – Copies of Declaration, Power of Attorney and Petition (2 pages);
- Exhibit C – Copy of PTO date stamped return postcard.

Dated this 25 of JUNE, 2001.

Respectfully submitted,



RICK D. NYDEGGER

Attorney for Applicant

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Salt Lake City, Utah 84111

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Q:\DATA\W\DOCS\RW\WET\MOTHER\DOC\010622 CERTIFICATE OF FAX TRX 79.DOC

**WORKMAN
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Examiner:

unassigned

TRANSMITTAL OF RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION

ATTN: Janice Tippet

Office of Initial Patent Examination

Assistant Commissioner for Patents

Washington, D. C. 20231

Sir:


Enclosed is a response to the Notice to File Missing Parts as discussed by telephone with you on June 22, 2001. The response includes a copy of the Notice to File Missing Parts, as well as copies of our postcard showing that the documents which were alleged in the notice as missing, were in fact filed and acknowledged as received by the U.S. Patent and Trademark

Office as reflected in the postcard. We are also enclosing copies of the referenced documentation as suggested by you.

As also discussed, we do not believe under the circumstances that we should be required to file any fees, however, in the event that there are any additional fees that are required in response to the Notice to File Missing Parts, this will constitute your authorization to charge our deposit account 23-3178. Triplicate copies of this letter are enclosed.

Dated this 25 of JUNE, 2001.

Respectfully submitted,



RICK D. NYDEGGER

Attorney for Applicant

Registration No. 28,651

WORKMAN, NYDEGGER & SEELEY

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